

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
) Criminal No. 05-30042-MLW
v.)
)
CESAR CRUZ et al,)
Defendant)

DEFENDANTS' NOTICE PURSUANT TO FEDERAL RULES OF EVIDENCE 404(b)
OF HIS INTENTION TO USE PRIOR BAD ACTS OF THE
GOVERNMENT'S COOPERATING WITNESS, JULIAN RIOS

Now come the Defendants in the above-referenced matter and notify the Government of their intention to use the following prior bad acts of its cooperating witness, Julian Rios, at trial in the matter pursuant to FRE 404(b):

1. On a return trip from Hartford, Connecticut in 1996 involving a drug transaction, Mr. Rios stopped by his sister's house where he saw that she had been beaten by her boyfriend. Rios waited for her boyfriend to arrive, then shot him twice (the boyfriend survived). Nick, a cousin of the victim, notified the local police and Rios was arrested. Subsequently, Rios found Nick and tried to shoot him as well, however, the gun jammed.
2. At some time during 1996, Rios got into a fight in a bar during which he stabbed his opponent.

Respectfully submitted,
THE DEFENDANT
RICARDO DIAZ

THE DEFENDANT
CESAR CRUZ

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on September 19, 2006.

/s/ Joseph A. Franco, Esq.